

Sponsored: Mayor Anthony Copeland

COMMON COUNCIL OF THE CITY OF EAST CHICAGO

Ordinance No. 18-0017

**An Ordinance to Amend and Restate
the City of East Chicago Sewer User Ordinances and Regulations**

WHEREAS, the Indiana Department of Environmental Management ("IDEM") in accordance with the requirements of the National Pollutant Discharge Elimination System ("NPDES") has issued Permit No. IN 0022829 to the East Chicago Sanitary District ("District") for the operation of the District's publicly owned treatment works ("POTW") and related collection system; and

WHEREAS, said Permit requires the District to establish, carry out and maintain a legally-binding program of local limits, regulations, permits and procedures to prevent the introduction of pollutants into the District's wastewater which will interfere with the normal operation of the system or which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system; and

WHEREAS, the City of East Chicago, Indiana ("City") previously enacted a comprehensive wastewater discharge Ordinance and pretreatment program in 1990 through Ordinance No. 3512, which was amended in 1993 by Ordinance No. 93-0017, in 1996 by Ordinance No. 06-007, and in 2007 by Ordinance No. 07-0007; and

WHEREAS, federal regulations found at 40 CFR Part 403 require certain changes to be made in the City's wastewater regulations, and the Common Council of the City ("Council") desires to amend said Ordinances to conform its pretreatment program to said requirements; and

WHEREAS, further changes to said Ordinances have been mandated by the United States Environmental Protection Agency ("USEPA") in a recent review of the City's pretreatment program; and

WHEREAS, the Council desires to amend and restate the City's wastewater discharge regulations by enacting new and amended Ordinance provisions and recodifying prior Ordinance provisions which remain in effect under the terms and conditions hereinafter set forth; and

WHEREAS, the Board of Commissioners of the District by resolution has approved this Ordinance and has requested the Council to enact same at its earliest opportunity.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of East Chicago, Indiana as follows:

SECTION ONE: Ordinance Nos. 06-007 and 07-0007 are hereby repealed.

SECTION TWO: Any and all violations of provisions of Ordinance Nos. 06-007 and 07-0007 occurring prior to the enactment of this Ordinance shall remain the proper subject of enforcement

proceedings under this Ordinance, and any and all enforcement proceedings commenced under Ordinance No. 3512 as amended by Ordinance No. 93-0017 and Ordinance No. 06-007 prior to the enactment of this Ordinance shall be unaffected by the adoption of this Ordinance, except that the provisions of this Ordinance [Section 13.13.7.01] prescribing penalties and sanctions shall apply.

SECTION THREE: A new Chapter is hereby added to the Municipal Code of the City of East Chicago, Indiana ("Code") to be designated Chapter 13.13 and entitled "Wastewater Discharge Regulations." Said chapter shall read as follows:

Chapter 13.13

WASTEWATER DISCHARGE REGULATIONS

Article 1. General Provisions

13.13.1.01 Purpose and Policy

This Chapter sets forth uniform requirements for Users of the District wastewater collection and treatment systems, and enables the District to protect public health in conformity with all applicable local, state, and federal laws.

The objectives of this Chapter are:

- (a) to prevent the introduction of pollutants into the District POTW which will interfere with the normal operation of the POTW or contaminate the resulting municipal sludge;
- (b) to prevent the introduction of pollutants into the District POTW which will pass through the POTW inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the POTW;
- (c) to protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) to promote reuse and recycling of industrial wastewater and sludge from the POTW;
- (e) to enable the District to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject.

This Chapter shall apply to all Users of the POTW, and provides for the regulation of discharges into the District POTW through the issuance of individual wastewater discharge permits the issuance of which are authorized herein. This Chapter also provides for monitoring, compliance and enforcement activities, establishes administrative review procedures, and Industrial User (IU) reporting requirements.

- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its emergency authority under 40 CFR §403.8(f)(vi)(B) to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, any required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations, which may include a violation of Best Management Practices, which the District determines will adversely affect the operation or implementation of the local pretreatment program.

Sludge Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, or air pollution control facility, or another waste having similar characteristics and effects as defined in standards issued under Sections 402 and 405 of the Act, and in the applicable requirements under Section 3001, 3004, and 4004 of the SWDA.

→ *Slug Load or Slug Discharge* (1) The discharge of any substance at a rate or in a concentration which causes interference to the POTW; or (2) any discharge which exceeds, for a period longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour flow, during normal operation, or (3) which exceeds, for a period longer than fifteen (15) minutes, more than five (5) times the twenty-four (24) hour allowable concentration of any substance listed in Section 3.02.3 hereof, or (4) a discharge which has a reasonable potential to cause Interference or Pass Through, or (5) in any other way, violate the District's regulations, Local Limits or Permit conditions.

Smoke Any air suspension containing minute solid particles and droplets, resulting mainly from the incomplete combustion of carbonaceous and other organic matter.

Standard Industrial Classification A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

Storm Water Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Superintendent The Director of Utilities of the City of East Chicago who acts as Director of the District, and supervises the operation of the POTW, and who is charged with certain duties and

responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Director.

Total Suspended Solids or Suspended Solids The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

Toxic Pollutants Those substances referred to in Section 307(a) of the Act as well as any other known potential substances capable of producing toxic effects.

Twenty-four Hour Flow The volume of flow representing a monthly average of 24 hours of flow as measured by flow monitoring equipment which has been approved by the District.

Upset An exceptional incident in which an IU unintentionally and temporarily is in a state of noncompliance with either the standards set forth in Section 3.02.3 hereof or applicable Categorical Pretreatment Standards due to factors beyond the reasonable control of the IU, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

User or Industrial User A source of indirect discharge.

Vapor The gaseous state of any substance which is liquid or solid at room temperature and pressure.

Wastewater Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater Treatment Plant or Treatment Plant That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Article 3. Regulations

13.13.3.01 Limitations on Wastewater Discharges.

13.13.3.01.1 Discharge Prohibitions.

(a) **General Prohibitions.** No User shall contribute, introduce or cause to be introduced, discharge or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system, the POTW or otherwise to the facilities of the District which causes Pass Through or Interference. These prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or Local Pretreatment Standards or Requirements.

(b) **Specific Prohibitions** No User shall contribute, introduce, cause to be introduced, discharge or cause to be discharged, directly or indirectly, any of the following described

substances into the wastewater disposal system, the POTW or otherwise to the facilities of the District:

- (1) Any pollutant which by reason of its nature or quantity is, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any way to the operation of the POTW. This prohibition shall include any wastestream with a closed cup flashpoint of less than 60 degrees Celsius (140 degrees Fahrenheit) using the test methods specified in 40 CFR 261.21, and any wastestream capable of causing an exceedance of ten (10 percent of the Lower Explosive Limit for flammable/explosive gases at any point within the POTW.
- (2) Any wastewater having a pH less than 5.0 or higher than 10.0 in any grab sample, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system.
- (3) Any substance which may cause the POTW's effluent or treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State standards applicable to the sludge management method being used.
- (4) Trucked or hauled pollutants, except at discharge points designated by the District in accordance with §13.13.3.01.2 of this Chapter.
- (5) Any substance with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions.
- (6) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in Interference; but in no case, wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees Celsius (104 degrees Fahrenheit).
- (7) Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference to the POTW.
- (8) Petroleum, oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or pass through.
- (9) Any unpolluted water including, but not limited to, non-contact cooling water, unless otherwise authorized by the District.

- (c) The IU shall submit a progress report to the District no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the IU to return to the established schedule; and
- (d) In no event shall more than nine (9) months elapse between such progress reports to the District.

13.13.5.04.5 Spill/Slug Load Control Plans

In each case where the District has required an industrial user to file a spill/slug load control plan, such SIU shall submit to the District, on a biennial basis, a plan for the prevention of slug loads or accidental discharges of substances to the POTW. Each SIU shall notify the District immediately of any changes at its facility affecting the Spill Control Plan or the potential for a slug discharge. Said plan shall contain no less than the following:

- (a) A description of discharge practices, including non-routine batch discharges;
- (b) A description of all chemicals stored on-site.
- (c) A procedure for immediately notifying the District in the event of a slug load or other accidental discharge, with procedures for follow-up written notification within five days of the event; and
- (d) Procedures to prevent adverse impact from accidental or slug discharges, including but not limited to inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

No IU who discharges to the POTW shall be permitted to introduce pollutants into the system until accidental discharge protection procedures have been approved by the District. Review and approval of such plans and operating procedures by the District shall not relieve the IU from the responsibility to modify its facility as necessary to meet the requirements of this Chapter.

13.13.5.04.6 Hazardous Waste Notification

- (a) Any IU who commences the discharge of hazardous waste shall notify the POTW, the USEPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the USEPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the IU discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent

I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The certification statement shall be signed by an Authorized Representative of the IU, as defined by Article Two hereof.

- (d) Pursuant to 40 CFR Part 403.12(g)(5), each IU, when submitting the report required by Section 13.13.5.03.2 hereof, shall include in said report the results of any sampling and analysis which the IU has voluntarily performed beyond that required by the District.
- (e) Pursuant to 40 CFR Part 403.12(g) (2), and if sampling by an IU indicates a violation, said IU shall inform the District within 24 hours of becoming aware of the violation. Said IU shall also repeat sampling and analysis, and shall submit the results of the repeat analysis within 30 days of becoming aware of the violation. This requirement to repeat sampling and analysis shall be waived where the IU is required to sample at least once per month, or where the District samples the IU's waste stream before the IU receives the analytical results of its own sampling.



13.13.5.04.8 Reports of Changed Conditions

Each IU must notify the District of any significant changes to the IU's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

- (a) The District may require the IU to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under §13.13.5.03.2 of this Chapter.
- (b) The District may issue an individual wastewater discharge permit under §13.13.5.03.8 of this Chapter or modify an existing wastewater discharge permit under §13.13.5.03.3 of this Chapter in response to changed conditions or anticipated changed conditions.



13.13.5.04.9 Reports of Potential Problems

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the IU shall immediately telephone and notify the District of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the IU.

- (b) Within five (5) days following such discharge, the IU shall, unless waived by the District, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the IU to prevent similar future occurrences. Such notification shall not relieve the IU of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the IU of any fines, penalties, or other liability which may be imposed pursuant to this Chapter.
- (c) A notice shall be permanently posted on the IU's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- (d) SIUs are required to notify the District immediately of any changes at its facility affecting the potential for a Slug Discharge.

13.13.5.04.10 Reports from Unpermitted IUs

All IUs not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the District as the District may require.

13.13.5.04.11 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by an IU indicates a violation, the IU must notify the District within twenty-four (24) hours of becoming aware of the violation. The IU shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within thirty (30) days after becoming aware of the violation. Resampling by the IU is not required if the District performs sampling at the IU's facility at least once a month, or if the District performs sampling at the IU between the time when the initial sampling was conducted and the time when the IU or the District receives the results of this sampling. If the District has performed the sampling and analysis in lieu of the IU, the District shall perform the repeat sampling and analysis.

13.13.5.05 Right of Entry; Inspection and Monitoring

The District shall have the right to enter the premises of any IU to determine whether the IU is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. IUs shall allow the District ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (a) Where a IU has security measures in force which require proper identification and clearance before entry into its premises, the IU shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the District shall be permitted to enter without delay for the purposes of performing specific responsibilities.